

2901--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. GABRYSZAK, GALEF, JAFFEE, MAYERSOHN, HOYT, MILLMAN, CAHILL, HOOPER, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BARCLAY, BRENNAN, BURLING, CALHOUN, CORWIN, CRESPO, CROUCH, DUPREY, GIGLIO, GUNTHER, HIKIND, JEFFRIES, KOLB, MAISEL, McENENY, MOLINARO, PHEFFER, REILLY, WEISENBERG -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to authorizing registration records of victims of sexual violence to be kept confidential in certain cases

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The criminal procedure law is amended by adding a new
2 section 530.15 to read as follows:
3 S 530.15 CONFIDENTIALITY OF ELECTION REGISTRATION INFORMATION FOR
4 VICTIMS OF SEXUAL VIOLENCE.
5 1. FOR PURPOSES OF THIS SECTION VICTIM OF SEXUAL VIOLENCE MEANS A
6 VICTIM OF ANY OFFENSE UNDER ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW.
7 2. (A) AT ANY TIME PRIOR TO THE SENTENCING THE DEFENDANT IN THE UNDER-
8 LYING CASE, THE VICTIM OF THE SEXUAL ASSAULT MAY WRITE A LETTER TO THE
9 DISTRICT ATTORNEY PROSECUTING THE CASE, OR HIS OR HER AGENT, STATING
10 THAT THEY WISH TO HAVE THEIR VOTER REGISTRATION INFORMATION SEALED.
11 (B) UPON RECEIPT OF SUCH LETTER, THE DISTRICT ATTORNEY SHALL MOVE THE
12 COURT, AND THE COURT SHALL SO ORDER, THAT THE VOTER REGISTRATION INFOR-
13 MATION OF THE SEXUAL ASSAULT VICTIM BE KEPT SEPARATE AND APART FROM
14 OTHER REGISTRATION RECORDS AND NOT MADE AVAILABLE FOR PUBLIC INSPECTION
15 OR COPYING.
16 3. AT ANY TIME AFTER THE SENTENCING OF THE DEFENDANT IN THE UNDERLYING
17 CASE, THE VICTIM OF THE SEXUAL ASSAULT MAY MAKE AN APPLICATION TO THE
18 COURT HAVING ORIGINAL JURISDICTION OVER THE CASE TO SEAL HIS OR HER

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 VOTER REGISTRATION INFORMATION. UPON RECEIPT OF SUCH AN APPLICATION, THE
2 COURT SHALL ISSUE AN ORDER SEALING SUCH INFORMATION AND ORDERING THAT
3 THE VOTER REGISTRATION INFORMATION OF THE SEXUAL ASSAULT VICTIM BE KEPT
4 SEPARATE AND APART FROM OTHER REGISTRATION RECORDS AND NOT MADE AVAIL-
5 ABLE FOR PUBLIC INSPECTION OR COPYING.

6 4. THIS SECTION SHALL NOT APPLY TO AN ELECTION OFFICIAL ACTING WITHIN
7 THE SCOPE OF HIS OR HER EMPLOYMENT. SUCH ELECTION OFFICIAL MAY INSPECT
8 AND/OR COPY SUCH REGISTRATION INFORMATION AND MAY SHARE SUCH INFORMATION
9 WITH OTHER INDIVIDUALS ONLY WHEN REQUIRED TO FULFILL THE FAITHFUL
10 DISCHARGE OF HIS OR HER DUTIES AS AN ELECTION OFFICIAL. INTENTIONALLY
11 SHARING SUCH INFORMATION WITH AN UNAUTHORIZED INDIVIDUAL IS A MISDEMEA-
12 NOR.

13 5. THERE SHALL BE NO FEE FOR MAKING AN APPLICATION PURSUANT TO SUBDI-
14 VISION THREE OF THIS SECTION.

15 6. IF A DISTRICT ATTORNEY RECEIVES A LETTER PURSUANT TO PARAGRAPH (A)
16 OF SUBDIVISION TWO OF THIS SECTION AND HE OR SHE IS NOT THE PERSON
17 RESPONSIBLE FOR THE PROSECUTION OF THE DEFENDANT OF THE UNDERLYING SEXU-
18 AL ASSAULT, OR HE OR SHE RECEIVES THE LETTER AFTER THE DEFENDANT HAS
19 BEEN SENTENCED, THE DISTRICT ATTORNEY SHALL EITHER:

20 (A) MAKE THE MOTION TO THE COURT PURSUANT TO PARAGRAPH (B) OF SUBDIVI-
21 SION TWO OF THIS SECTION; OR

22 (B) SEND A REPLY LETTER TO THE VICTIM OF THE SEXUAL ASSAULT EXPLAINING
23 THE REASON FOR NOT MAKING A MOTION PURSUANT TO PARAGRAPH (B) OF SUBDIVI-
24 SION TWO OF THIS SECTION AND INFORMING SUCH VICTIM OF WHAT STEPS THE
25 VICTIM MUST TAKE TO EFFECTIVELY SEAL THEIR VOTER REGISTRATION INFORMA-
26 TION.

27 S 2. This act shall take effect on the sixtieth day after it shall
28 have become a law.